



U.S. Department of Justice

Environment and Natural Resources Division

DJ#90-11-2-1109

Environmental Enforcement Section
P.O. Box 7611
Washington, DC 20044-7611

US EPA RECORDS CENTER REGION 5



470077

Telephone (202) 616-6552
Facsimile (202) 616-6584

August 25, 1998

VIA FACSIMILE AND U.S. MAIL

Counsel of Record

Re: United States v. City of Albion, Michigan et al.,
Civ. No. 1:97-CV-1037 (W.D. Mich.) - Notice of Deposition
of William Rieger.

Dear Counsel:

Enclosed is a Notice of Deposition for Mr. William Rieger in the above-referenced matter. The deposition will take place on Wednesday, September 2, 1998 at the offices of Robinson & Sims, 911 North Eaton Street, P.O. Box 750, Albion, Michigan 49224-0750 beginning at 10:00 am and continuing thereafter until completed.

If there are any questions, please do not hesitate to contact me at (202) 616-6552.

Sincerely,

Lois J. Schiffer
Assistant Attorney General
Environment and Natural Resources
Division

By:

Francis J. Biros
Francis J. Biros
Trial Attorney

Enclosures

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	Case No. 1:97-CV-1037
v.)	
)	Hon. David W. McKeague
CITY OF ALBION, MICHIGAN,)	
Defendant/Third-Party)	Mag. J. Joseph G. Scoville
Plaintiff, Counter-)	
Defendant, Counter-)	
Claimant,)	
)	
v.)	
)	
COOPER INDUSTRIES, INC. and)	NOTICE OF DEPOSITION
CORNING, INCORPORATED,)	
Third-Party Defendants,)	
Counter-Claimants and)	
Third-Party Plaintiffs,)	
)	
v.)	
)	
DECKER MANUFACTURING)	
CORPORATION,)	
Third-Party Defendant,)	
Counter-Claimant)	
and Cross-Claimant.)	
)	

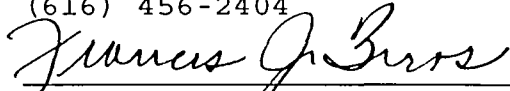
PLEASE TAKE NOTICE that, pursuant to Rule 30 of the Federal Rules of Civil Procedure, the deposition of William Rieger will be taken before a certified court reporter on Wednesday, September 2, 1998, 10:00 a.m. at the offices of Robinson & Sims, 911 North Eaton Street, P.O. Box 750, Albion, Michigan 49224-0750

and from time to time thereafter as the same may be continued
until completed.

Lois J. Schiffer
Assistant Attorney General
Environment and Natural Resources
Division
United States Department of Justice

W. Francesca Ferguson
Assistant United States Attorney
Western District of Michigan
333 Ionia Avenue, N.W.
Suite 501
Grand Rapids, Michigan 49503
(616) 456-2404

Dated: August 25, 1998


Francis J. Barros
Trial Attorney
Environmental Enforcement Section
Environment and Natural Resources
Division
United States Department of Justice
P.O. Box 7611
Ben Franklin Station
Washington, D.C. 20044
(202) 616-6552

OF COUNSEL:

Kathleen K. Schnieders
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region V
77 West Jackson Boulevard
Chicago, Illinois 60604
(312) 353-8912

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	Case No. 1:97-CV-1037
v.)	
)	Hon. David W. McKeague
CITY OF ALBION, MICHIGAN,)	
Defendant/Third-Party)	Mag. J. Joseph G. Scoville
Plaintiff, Counter-)	
Defendant, Counter-)	
Claimant,)	
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v.)	
)	
COOPER INDUSTRIES, INC. and)	
CORNING, INCORPORATED,)	
Third-Party Defendants,)	
Counter-Claimants and)	
Third-Party Plaintiffs,)	
)	
v.)	
)	
DECKER MANUFACTURING)	
CORPORATION,)	
Third-Party Defendant,)	
Counter-Claimant)	
and Cross-Claimant.)	
)	

CERTIFICATE OF SERVICE

It is hereby certified that on August 25, 1998, copies of the foregoing Notice of Deposition, Subpoena and this Certificate of Service were sent by first class mail, postage prepaid, to the following counsel:

For the United States Environmental Protection Agency:

Kathleen K. Schnieders
Assistant Regional Counsel
Office of Regional Counsel

U.S. EPA — Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604
(312)353-8912
(312)886-0747 (fax)

For the City of Albion, MI:

Charles M. Denton (P33269)
Mark M. Davis (P43529)
Varnum, Riddering, Schmidt & Howlett, L.L.P.
Bridgewater Place
P.O. Box 352
Grand Rapids, Michigan 49501-0352
(616)336-6000
(616)336-7000 (fax)

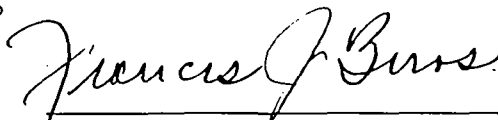
For Cooper Industries, Inc. and Corning, Inc.:

Eugene E. Smary (P26811)
Melvin G. Moseley, Jr. (P44297)
Daniel K. DeWitt (P51765)
Warner, Norcross & Judd L.L.P.
900 Old Kent Building
111 Lyon Street, N.W.
Grand Rapids, Michigan 49503
(616)752-2000
(616)752-2500 (fax)

For Decker Manufacturing Corp.:

Alan D. Wasserman (P39509)
Michael L. Caldwell (P40554)
Fink Zausmer, P.C.
31700 Middlebelt Road, Suite 150
Farmington Hills, Michigan 48334
(248)851-4111
(248)851-0100 (fax)

Philip M. Moilanen (P17874)
Bullen, Moilanen, Klaasen & Swan, P.C.
402 South Brown Street
Jackson, Michigan 49203-1426
(517)788-8500
(517)788-8507 (fax)



Francis J. Biros
Trial Attorney
Environmental Enforcement Section
Environment and Natural Resources
Division

Issued by the
UNITED STATES DISTRICT COURT

WESTERN

DISTRICT OF

MICHIGAN

UNITED STATES OF AMERICA

V.

CITY OF ALBION, MICHIGAN ET AL.

SUBPOENA IN A CIVIL CASE**CASE NUMBER:** 1:97-CV-1037

TO: WILLIAM RIEGER, c/o VARNUM, RIDDERING, SCHMIDT & HOWLETT, L.L.P

☐ to
testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

Robinson & Sims, 911 N. Eaton St., P.O. Box 750, Albion, Michigan 49224-0750

DATE AND TIME

9-2-98 10:00am

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects)
all documents relating to: 1) the Albion-Sheridan Township Landfill; 2) the City of Albion's Agreements with Gordon and Marguerite Stevick relating to the Albion-Sheridan Township Landfill; 3) communications between the City of Albion and local cities, townships, counties and the State of Michigan relating to the Albion-Sheridan Township Landfill operations. This document request is limited to those documents produced during the time period of 1965 to the present.

PLACE

Robinson & Sims, 911 N. Eaton St., P.O. Box 750, Albion, Michigan 49224-0750

DATE AND TIME

9-2-98 10:00am

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

Francis J. Biros
Trial Attorney -- Attorney for Plaintiff United States of America

8-25-98

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Francis J. Biros, United States Department of Justice,
P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044-7611 (202)616-6552

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on Reverse)

PROOF OF SERVICE

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed
on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in

person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held,

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

(B) if a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of an party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial. The court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.